

### **Remarks/Arguments**

Claims 1-9 are pending and are rejected.

#### **35 U.S.C. §102(e)**

Responsive to the rejection of claims 1-3, 6, 7, 8, and 9 under 35 U.S.C. §102(e) as being anticipated by US 6,704,061 ("Mears"), the common inventor, Mark Gilmore Mears, has declared in the attached that the claimed invention was disclosed but not claimed in the '061 patent, and was derived from him. As such, the '061 patent is no longer qualified as a prior art reference, and these claims are allowable.

Applicants thank the Examiner for the suggestion.

#### **35 U.S.C. §103(a)**

Responsive to the rejection of claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Mears, applicants submit that claims 4 and 5 are patentable for their dependence from amended claim 1 because Mears is no longer qualified as a prior art reference,.

### **Conclusion**

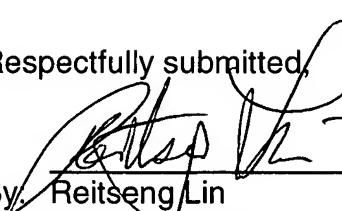
Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled.

### **Fee**

No fee is believed due. However, if a fee is due, please charge the fee to  
Deposit Account 07-0832.



Respectfully submitted,

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Date:

**CERTIFICATE OF MAILING**

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop AF], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

4/26/05  
Date

Lori Klevin